

SCHERING-PLOUGH CORPORATION
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KENILWORTH, NEW JERSEY 07033
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JUN 29 2004

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TO:

Examiner Shengjun Wang
USPTO

FAX NUMBER:

(703) 308-4242
(703) 872-9306

FROM:

Ann Marie Cannoni

PHONE NUMBER:

(908) 298-5024

TOTAL NO. OF PAGES INCLUDING COVER

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DATE

June 29, 2004

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NOTES/COMMENTS:

PLEASE HAND DELIVER

In re Application of: **Harry R. Davis et al.**

For Patent For: **Combinations of Nicotinic Acid and Derivatives Thereof and Sterol
Absorption Inhibitor(s) and Treatments for Vascular Indications**

Group Art Unit: 1617 Filed: 01/25/2002

Attorney Docket No.: CV01379K US/ Serial No.: 10/057,646

Dear Examiner Wang:

Transmitted herewith are:

- Response Transmittal PTO/SB/21 - 1 Page
- Fee Transmittal PTO/SB/17 - 1 Page in duplicate
- Amendment After Final Rejections - 10 Pages
- Information Disclosure Statement - 2 Pages
- PTO-1449 Form - 1 Page
- Fax Cover Sheet - 1 Page
- Reference (1) - 84 Pages



Ann Marie Cannoni
Registered Representative
Registration No. 35,972

PHONE: (908) 298-5024

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PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 180.00)**Complete if Known**

Application Number	10/057,646
Filing Date	01/25/2002
First Named Inventor	Harry R. Davis et al.
Examiner Name	Shengjun Wang
Art Unit	1617
Attorney Docket No.	CV01379K

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	19-0365
Deposit Account Name	Schering-Plough Corporation

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or any underpayment of fee(s)
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FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 285	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 85	Surcharge - late filing fee or oath	
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1252 420	2252 210	Extension for reply within second month	
1253 850	2253 475	Extension for reply within third month	
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Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00)**SUBMITTED BY**

Name (Print/Type)	Ann Marie Cannoni	Registration No. (Attorney/Agent)	35,972	Telephone	908-298-5024
Signature		Date	06/29/2004		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Harry R. Davis et al. :
Serial No.: 10/057,646 : Group Art Unit: 1617
Filed: January 25, 2002 : Examiner: Shengjun Wang
For: Combinations of Nicotinic Acid and : Atty. Docket No.: CV01379K
Derivatives Thereof and Sterol :
Absorption Inhibitor(s) and :
Treatments for Vascular Indications :

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL REJECTION**Introductory Comments**

This Amendment After Final Rejection is being submitted in response to the final Office Action mailed on April 29, 2004. Applicants respectfully request that these amendments to cancel a claim and present rejected claims in better form for appeal be entered into the file record and considered under 37 C.F.R. § 1.116.

Claims 1-4, 6-10, 28-30 and 32 are pending in the application. Claims 11-27, 36-39, 41, 44-46, 51, 54, 56, 59, 61, 64, 66, 69, 72, 75, 78 and 81 have been withdrawn from consideration by the Examiner as being non-elected. Claims 5, 31 and 33-81 were previously canceled without prejudice to filing one or more divisional applications directed to the subject matter thereof. Claim 6 has been canceled without prejudice to filing one or more divisional applications directed to the subject matter thereof.

Applicants have amended the claims as discussed in detail below.